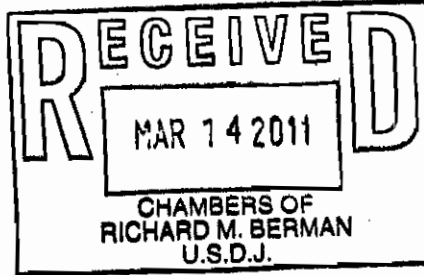


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MEMO ENDORSED

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March 14, 2011

By Fax (212) 805-6717

The Hon. Richard M. Berman
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The Name LLC v. David Americo Ortiz
No. 10-CV-~~3215~~ (RMD/DF)
3212

Dear Judge Berman:

Prior to any restriction, counsel
for both sides to advise the
Court of the names of each
party who will attend the 3/29
settlement conference & who they
represent. Submissions due by
noon on 3/15/11.

SO ORDERED:
Date: 3/14/11 *Richard M. Berman*
Richard M. Berman, U.S.D.J.

We are counsel for plaintiff The Name LLC. We just received the Court's handwritten March 14 Order noted on the Stipulation of Dismissal (copy annexed). We believe the Court misunderstood the purpose of the Stipulation which was only to dismiss the claims against defendant 1&1 Internet, Inc., which was the webhost for the website at issue. There was no intention to dismiss the claims asserted against Mr. Ortiz and the other defendants, and these should remain intact.

Accordingly, we respectfully request that the Court vacate its Order which cancelled the March 29 settlement conference and requested that the Clerk of the Court close this case. Thank you.

Respectfully submitted,

Peter D. Raymond

PDR:dc

Encl.

cc: Philip Touitou, Esq., Counsel for David Ortiz (by email)
Michael LiPuma, Esq., Counsel for 1&1 Internet, Inc. (by email)

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